



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance Regarding Vehicles for Sale on City Streets

MEETING DATE: November 17, 1999

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council introduce an ordinance amending Lodi Municipal Code (LMC) Title 10 to prohibit the parking of vehicles for sale as described.

BACKGROUND INFORMATION: At the October 26, 1999 Shirtsleeve Session, City Council directed staff to modify the current ordinance to prohibit the sale of vehicles on any public street or right-of-way. At that meeting, staff reviewed previous Council actions that have taken place over the last ten years to deal with this issue. Council and staff are still receiving complaints about vehicles parked for sale in the vicinity of Lower Sacramento Road north of Vine Street.

Since 1997, the Public Works Traffic Engineering staff has received 20 complaints related to vehicles for sale parked along and adjacent to Lower Sacramento Road. In 1997, there were four rear-end collisions with one collision report stating that the motorist was looking at the vehicles for sale and two reports indicating accidents were due to inattention. Staff has installed parking restrictions near the intersections to limit the area in which vehicles can park. Since installing the parking restrictions along Lower Sacramento Road north of Vine Street in June 1998, there has been one rear-end collision where the driver stated he was distracted by the vehicles for sale, and four rear-end collisions that could potentially have been caused by drivers distracted by the parked vehicles for sale. It appears that collisions are still occurring even with the additional parking restrictions and that these vehicles are still creating distractions for drivers.

As requested, the attached Lodi Municipal Code 10.44.040 Subsections A and C have been modified to regulate the manner of displaying vehicles for sale. The ordinance allows vehicles to be parked for sale at an owner's residence and on the public street immediately adjacent to an owner's property. This will allow owners to sell their vehicles in front of their homes. A public agency adjacent to Lodi has this type of restriction and its police officers have indicated it has not been an enforcement problem.

Also, a modification is recommended to prohibit vehicles for sale from parking within 200 feet of any intersection. The current ordinance prohibits vehicles for sale from parking within 200 feet of a signalized or four-way-stop-controlled intersection. As stated in the ordinance, the reason is that those vehicles constitute a traffic hazard by distracting the attention of passing motorists and pedestrians away from other traffic moving through and about this type of intersection. However, one-way and two-way stop-controlled intersections are not included in this prohibition. A similar traffic hazard could occur at any intersection and, therefore, it is recommended that this type of restriction apply to all intersections.

At the Shirtsleeve Session, staff also discussed for-sale-by-owner parking facilities similar to those in other cities at school sites. These facilities operate as a fundraiser for the school and do not involve City government. Council directed staff not to pursue this option, but did not object if a school is interested in this type of operation.

FUNDING: Not applicable.

Richard C. Prima, Jr.  
Public Works Director

Prepared by Paula J. Fernandez, Associate Traffic Engineer  
RCP/PJF/lm

Attachments

cc: City Attorney  
Police Chief  
Street Superintendent  
Associate Traffic Engineer  
Concerned Citizens

APPROVED:

H. Dixon Flynn -- City Manager

**LODI MUNICIPAL CODE**  
**Chapter 10.44 Stopping, Standing and Parking**

**10.44.040      Parking for Certain Purposes Prohibited—Display of “For Sale”  
Signs on Vehicles, Vessels or Trailers—Restrictions.**

- A. It is unlawful to park upon any public street, right-of-way or public property any vehicle, vessel or trailer displaying a sign advertising such vehicle, vessel or trailer for sale ~~which exceeds one square foot in size, or displaying more than one such sign, or to attach to or otherwise affix to such vehicle, vessel or trailer any other sign, banner, pennant, balloon or other device, intended to call attention to the fact that such vehicle, vessel or trailer is offered for sale.~~

The provisions of this subsection shall not apply to vehicles parked FOR SALE at the residence of the owner of said vehicle and the public streets immediately adjacent thereto. A vehicle parked for sale shall not display a sign exceeding one square foot in size, or display more than one such sign, or attach to or otherwise affix to such vehicle, vessel or trailer any other sign, banner, pennant, balloon or other device, intended to call attention to the fact that such vehicle, vessel or trailer is offered for sale.

- B. No Change
- C. Notwithstanding subsection A of this section, it is unlawful to park upon any public street, right-of-way or public place within two hundred feet of any ~~signalized intersection or four-way stop sign,~~ any vehicle, vessel or trailer displaying a sign advertising such vehicle, vessel or trailer for sale ~~irrespective of the size or number of such signs.~~ The City Council finds and declares that vehicles, vessel or trailers parked within two hundred feet of an ~~signalized intersection or four-way stop sign,~~ and displaying such signs, constitute a traffic hazard by distracting the attention of passing motorists and pedestrians away from other traffic moving through and about such intersections. ~~For purposes of this section, “signalized intersection” means any intersection controlled by a traffic signal.~~
- D. No Change
- E. No Change
- F. No Change

ORDINANCE NO. 1685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 10.44 OF THE LODI MUNICIPAL CODE  
BY REPEALING AND REENACTING SECTIONS 10.44.040 (A)  
AND (C), RELATING TO DISPLAY OF "FOR SALE" SIGNS ON  
VEHICLES, VESSELS OR TRAILERS ON CITY STREETS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 10.44 – Stopping, Standing and Parking - is hereby amended by repealing and reenacting Sections 10.44.040 (A) and (C), relating to Display of "For Sale" Signs on Vehicles, Vessels or Trailers on City streets to read as follows:

Section 10.44.040 Parking for Certain Purposes Prohibited—Display of "For Sale" Signs on Vehicles, Vessels or Trailers--Restrictions:

- A. It is unlawful to park upon any public street, right-of-way or public property any vehicle, vessel or trailer displaying a sign advertising such vehicle, vessel or trailer for sale.

The provisions of this subsection shall not apply to vehicles parked FOR SALE at the residence of the owner of said vehicle and the public streets immediately adjacent thereto. A vehicle parked for sale shall not display a sign exceeding one square foot in size, or display more than one such sign, or attach to or otherwise affix to such vehicle, vessel or trailer any other sign, banner, pennant, balloon or other device, intended to call attention to the fact that such vehicle, vessel or trailer is offered for sale.

- C. Notwithstanding subsection A of this section, it is unlawful to park upon any public street, right-of-way or public place within two hundred feet of any intersection, any vehicle, vessel or trailer displaying a sign advertising such vehicle, vessel or trailer for sale. The City Council finds and declares that vehicles, vessels or trailers parked within two hundred feet of an intersection, and displaying such signs, constitute a traffic hazard by distracting the attention of passing motorists and pedestrians away from other traffic moving through and about such intersections.

SECTION 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 1999

\_\_\_\_\_  
KEITH LAND  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1685 was introduced at a regular meeting of the City Council of the City of Lodi held November 17, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1999 by the following vote:

Ayes: Council Members -

Noes; Council Members -

Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney

H-2

November 12, 1999

Attention: City Council Members

SUBJECT: Ordinance Regarding Vehicles for Sale on City Streets

RECEIVED  
NOV 15 4:10:30  
CITY CLERK  
CITY OF LODI

Thank you for your information regarding this matter. The proposed changes in the Lodi Municipal Code is well overdue. As a 31-year Cal-Trans employee (now retired), I worked in accordance with the State Vehicle Code to curtail this similar problem on state highways, for example Kettleman Lane through Lodi.

On Chapter 10.44.040, I fail to see anything to the affect of a 72-hour tow-away ordinance. My wife and I walk daily 2.5 miles along Lower Sac. Road and many times we have observed cars illegally parked beyond the "No Vehicle for Sale Signs", and with cars being parked there for up to a week (even when tagged). It seems that LPD ,even after repeated phone calls , limited action has been taken. On the illegal parking of vehicles and increasing "litter" from the vehicles in the gutter, it makes for an unsightly mess.

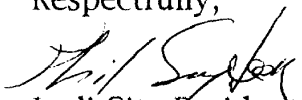
Also, try riding bicycles in the bike lane around 6-7 in the evening--it is a hazard!!

I feel I can elaborate much more on this subject but finally it seems that our council is waking up to the fact of the existing problem.

Several months ago on KCRA (Channel 3), aired the same problem in Sacramento. Sacramento is now enforcing the ordinance which is on the books with a "We are tired of our city streets looking like a used-car lot"!

A council member came door-to-door prior to elections and specified that he would like to "clean up city streets"--I consider this matter part of that promise. Also in prior years (my 61 years living in Lodi) the city council and LPD for the good of the City of Lodi, would act accordingly to prevent such problems without the politics created by "stepping on other's toes"!

Respectfully,

  
Lodi City Resident

Phil Snyder

2243 Corbin Lane

Lodi Ca. 95242



City Council  
City of Lodi  
P.O. Box 3006  
Lodi, CA

95241-1910 95-241-1910

CITY COUNCIL

KEITH LAND, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
ALAN S. NAKANISHI  
PHILLIP A. PENNINO

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

November 10, 1999

H. DIXON FLYNN  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RANDALL A. HAYS  
City Attorney

MAILING LIST ATTACHED

SUBJECT: Ordinance Regarding Vehicles for Sale on City Streets

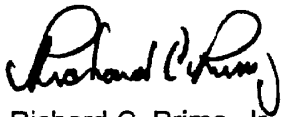
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, November 17, 1999. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Alice Reimche, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Paula J. Fernandez at 333-6800, ext. 667.



Richard C. Prima, Jr.  
Public Works Director

RCP/do

Enclosure

cc: City Clerk ✓

DR CARL ROSICH  
525 S FAIRMONT AVE STE H  
LODI CA 95240

MR JERRY McCONNELL  
1130 S LEE AVE  
LODI CA 95240

MR JOE GRANT  
841 CARDINAL ST  
LODI CA 95240

MR DELBERT MERRITT  
2338 E WOODSON RD  
ACAMPO CA 95220

MR CHAD BARROW  
2315 WINTERGREEN CT  
LODI CA 95242

LODI MEMORIAL HOSPITAL  
MR TAK SAITO FACILITY MGR  
975 S FAIRMONT AVE  
LODI CA 95240

MS MARSHA FITZGERALD  
1117 CHATEAU CT  
LODI CA 95242

MR & MRS RICHARD WERNER  
2333 WINTERGREEN CT  
LODI CA 95242

LODI SMALL CAR SALES  
ATTN MR WAYNE KOEPLIN  
519 S CHEROKEE LN  
LODI CA 95240

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2401 W COCHRAN RD  
LODI CA 95242

COCHRAN VILLA APTS  
ATTN APT MGR  
2440 COCHRAN RD  
LODI CA 95242

CAPT VINCE LAKE  
1507 W VINE ST  
LODI CA 95242

MR & MRS ANDY STEPHENS  
2328 WINTERGREEN CT  
LODI CA 95242

GENE'S USED CARS  
ATTN GENE  
25 N CHEROKEE LN  
LODI CA 95240

MS LORETTA PERMAN  
350 E PELTIER RD  
ACAMPO CA 95220

MR BOB ANDOSCA EXEC DIR  
LODI DIST CHAMBER OF COMM  
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LODI CA 95240

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LODI CA 95242

MR KEN HYSKE  
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MR WES OHLHAUSER  
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LODI CA 95242

MR DWIGHT OTA  
2316 WINTERGREEN CT  
LODI CA 95242

MR CHAD BARRALL  
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MR DAVE SCHNELL  
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